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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 FRANCISCO CERVANTES, et al.,)

13 Plaintiffs,)

14 v.)

15 LIU CHENG, INC. dba MANDARIN)
16 GOURMENT, et al.,)

17 Defendants.)
_____)

Case No.: C 08-3817 JW (PVT)

**INTERIM ORDER RE PLAINTIFFS'
MOTIONS TO COMPEL PRODUCTION OF
DOCUMENTS, ANSWERS TO
INTERROGATORIES AND FOR SANCTIONS**

18 Currently pending before the court are Plaintiffs' motions to compel production of
19 documents, to compel answers to interrogatories and for sanctions (see docket nos. 39, 40 and 47).
20 Having reviewed the papers submitted by the parties, the court finds it appropriate to issue this
21 interim order. Based on the moving and opposition papers submitted:

22 IT IS HEREBY ORDERED that the hearing on Plaintiffs' motions to compel production of
23 documents and to compel answers to interrogatories is CONTINUED to October 6, 2009. The
24 hearing on Plaintiffs' motion for sanctions is continued to November 3, 2009.

25 IT IS FURTHER ORDERED that, no later than September 15, 2009, counsel for the parties
26 shall meet and confer *in person* regarding the discovery requests at issue in the motions to compel
27 production of documents and to compel answers to interrogatories.

28 IT IS FURTHER ORDERED that, no later than September 22, 2009, Defendants shall file a


1 supplemental opposition brief that addresses each and every document request and interrogatory that
2 remains in dispute after the parties' meet and confer. Addressing only a "sample" is inadequate.
3 Further, the opposition must respond to the arguments made in the moving papers (omitting only
4 those that have been resolved by the parties' meet and confer).

5 IT IS FURTHER ORDERED that Plaintiffs shall file their reply no later than September 29,
6 2009.

7 IT IS FURTHER ORDERED that Defendants' request for sanctions (which was improperly
8 included in their opposition papers) is DENIED without prejudice to a properly noticed motion, if
9 warranted. *See* CIVIL L.R. 7-8(a). Any such motion shall be noticed for hearing no earlier than
10 November 3, 2009.

11 IT IS FURTHER ORDERED that no later than September 29, 2009, the parties shall submit
12 either a stipulated form of protective order to govern the handling of confidential information, or else
13 their respective proposed forms of order. The court strongly recommends that the parties base their
14 form of order on the court's model form of Stipulated Protective Order, copies of which are available
15 from the "Forms" section of the court's website (at www.cand.uscourts.gov). Pending entry of such
16 a protective order, the terms set forth in the court's model form of order (other than the optional
17 provisions) shall govern the handling of confidential information produced during discovery in this
18 case. In light of this protection, no information relevant to this action may be withheld from
19 discovery solely on grounds of privacy and/or confidentiality. Instead, any information that warrants
20 protection under Rule 26(c) of the Federal Rules of Civil Procedure may be marked "Confidential"
21 pursuant to the provisions of the protective order.

22 Dated: 9/3/09

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24 PATRICIA V. TRUMBULL
United States Magistrate Judge
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